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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,564	10/27/2003	Gang Luo	11284 (NCR.0117US)	2425
26890	7590	07/10/2008	EXAMINER	
JAMES M. STOVER			STACE, BRENT S	
TERADATA CORPORATION				
2835 MIAMI VILLAGE DRIVE			ART UNIT	
MIAMISBURG, OH 45342			PAPER NUMBER	
			2161	
			MAIL DATE	
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			07/10/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte GANG LUO, MICHAEL W. WATZKE, and CURT J. ELLMANN

Application 10/694,564
Date Mailed: July 9, 2008

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 2, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

On July 24, 2007, an Examiner's Answer was mailed. In the Evidence

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Relied Upon section, page 3, paragraph 8, the Examiner listed Gu (U.S. Patent No. 6,829,600), B. Walter “Nested Transactions With Multiple Commit Points: An Approach to the Structuring of Advanced Database Application” (Aug. 1984) p. 161-168 and MathLeague, “Introduction to Algebra” MathLeague (Mar. 2001) p.1-10. A review of the file reveals that reference to MathGoodies “Lesson on Order of Operations with Exponents” MathGoodies and Avadhanam (U.S. Patent No. 6,714,938) were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner’s Answer. Before further review, the Examiner must submit a corrected Examiner’s Answer that will include in the Evidence Relied Upon section, the list of all of the references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) to vacate the Examiner’s Answer mailed July 24, 2007, and submit a revised Examiner’s Answer in accordance with the new rules effective September 13, 2004; and

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2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

/Krista Zele/

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Deputy Chief Appeals Administrator
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KZ/pgc

cc: JAMES M. STOVER
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